

## REMARKS

Claims 1-41 are pending in the present application.

In the Office Action, claims 1, 16, 34, and 41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,973,566. In the interest of expediency, Applicant has included herein a terminal disclaimer and respectfully requests that the Examiner's rejection of claims 1, 16, 34, and 41 be withdrawn. However, it will be appreciated that the filing of the terminal disclaimer to obviate the Examiner's rejection is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. vs. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed Cir. 1991). See, e.g., MPEP §804.03.

In the Office Action, the Examiner indicated that claims 2-15, 17-33, and 35-40 include allowable subject matter. Pursuant to filing of the above terminal disclaimer, Applicants respectfully submit that these claims are in condition for allowance.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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